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**Of Attorneys for Defendant**

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**EUGENE DIVISION**

**SARAH BENNETT**, an individual;

Plaintiff,

v.

**CASSIEL EUGENE, LLC**, a domestic  
limited liability company doing business as  
**VISITING ANGELS EUGENE**;

Defendant.

**Case No. 6:19-cv-00413-AA**

**DEFENDANT’S ANSWER,  
AFFIRMATIVE DEFENSES AND  
COUNTERCLAIM**

**ANSWER**

Cassiel Eugene, LLC doing business as Visiting Angels Eugene (“Defendant Cassiel”), answers Plaintiff’s Complaint as follows:

1. Paragraphs 1 and 2 contain statements to which no response is required. To the extent any response is appropriate, Defendant Cassiel denies the allegations contained therein.

2. Paragraphs 3 and 4 state legal conclusions to which no response is required. To the extent any response is appropriate, Defendant Cassiel denies the allegations contained therein.

3. Defendant Cassiel denies paragraphs 5 through 31. Defendant Cassiel did not employ Plaintiff so denies the allegations contained therein.

### **AFFIRMATIVE DEFENSES**

#### **Failure to State a Claim**

4. Plaintiff's Complaint, in whole or in part, fails to state a claim for which relief can be granted.

#### **Failure to Join Necessary Parties**

5. Plaintiff failed to name Plaintiff's employer in this action, who is a necessary party pursuant to Fed. R. Civ. P. 19.

### **COUNTERCLAIM**

6. Defendant Cassiel is entitled to reasonable attorney fees and costs pursuant to ORS 653.055(4) and as otherwise provided by law.

WHEREFORE, Defendant Cassiel prays,

1. That Plaintiff takes nothing by way of her Complaint and that it be dismissed, with prejudice;

2. That judgment be entered in favor of Defendant Cassiel and against Plaintiff, for Defendant Cassiel's reasonable attorney fees, costs, and disbursements incurred in defending this action; and

3. For such other relief as may be appropriate.

DATED: June 27, 2019.

HERSHNER HUNTER, LLP

By /s/ Amanda M. Walkup  
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**Of Attorneys for Defendant**